IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 10619 OF 2006

Date:27.07.2006

BETWEEN:

Maddi Krishna Murthy

.... PETITIONER

And

1. The Superintendent of Police, Vigilance & Enforcement, Rajahmundry, E.G. District, and others.

.... RESPONDENTS

ORAL ORDER:

The writ petition is misconceived.

The petitioner is a Fair Price Shop dealer of Bhimavaram Town, West Godavari District. Earlier by an order dated 10.06.2004 his authorization to function as a Fair Price Shop dealer was cancelled by the Revenue Divisional Officer concerned. Aggrieved, the petitioner and others filed writ petitions. An interim order, suspension of the cancellation of authorization, was granted. Eventually, by a common order dated 25.8.2005, several connected writ petitions were allowed, the cancellation was set aside and the concerned Revenue Divisional Officers were directed to consider the matters afresh, in the light of the observations in the judgment.

Thereafter, again after a process of show cause notice, the Revenue Divisional Officer cancelled the authorization of the petitioner and some others, by proceedings dated 20.12.2005. Aggrieved, the petitioner and other authorisees filed appeals before the Joint Collector, West Godavari District. The appellate authority by order, dated 25.02.2006 dismissed all the appeals. As the primary and appellate orders of the Revenue Divisional Officer and the Joint Collector were found to be perverse, without any application of mind and laconic, this Court allowed the writ petitions filed by the petitioner and others against the orders of the later cancellation of authorizations which the appellate orders confirmed, by a common order dated 20.3.2006 in WP.No.5320 of 2006 and batch.

It would appear that the Director General (Vigilance and Enforcement) and Ex-officio Principal Secretary to Government issued specific instructions to initiate criminal action against the concerned Fair Price Shop dealers for illegal possession of bogus ration cards, cheating the Government and for misappropriation of the essential commodities. Pursuant to those directions, the Joint Collector and the Revenue Divisional Officer, Narsapur, issued instructions to the Mandal Revenue Officer concerned to initiate criminal action against the Fair Price Shop dealers for possession of bogus ration cards/coupons and for misappropriation of amounts covered by the quantities drawn on bogus ration cards. One such complaint having been made by the third respondent before the second respondent P.S., Crime No.62 of 2006 was registered against the petitioner alleging transgression of the provisions of Section 408, 409 and 420 of the Indian Penal Code (for short 'IPC') and Section 7 of the Essential Commodities Act, 1955 (for short 'the E.C. Act'). The matter is under investigation. Assailing which this writ petition is filed.

It is not the case of the writ petitioner either in the pleadings or in the address at the bar that the averments set out in the complaint of the third respondent dated 16.5.2006 to the second respondent does not constitute information with regard to commission of cognizable offences, to wit offences under Sections 408, 409 and 420 IPC read with Section 7 of the E.C. Act. The complaints of the third respondent thus set out allegations regarding commission of cognizable offences. The second respondent is obligated to register such a complaint and pursue investigation on that basis. No case is made out for interdicting the investigation. The learned counsel for the

petitioner states that the petitioner is not involved either with creation of bogus ration cards or for clandestinely selling essential commodities.

It is not the province of this Court to adjudicate upon this issue and at this stage as a step in aid to the investigation by the police. Whether the petitioners have or have not committed the offence, *prima facie,* is a matter for investigation by the police. No case is made out either on pleadings or on assertions, warranting interdiction of exercise of executive powers of the State to investigate into complaints of commission of cognizable offences.

The Writ Petition is misconceived, deserves rejection and the same is accordingly, dismissed. The interim order dated 30.5.2006 stands dissolved.

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(Goda Raghuram, J.)

27th July, 2006
Js.